

DEPARTMENT OF LICENSES AND INSPECTIONS CODE BULLETIN OF INFORMATION No. A-1302		CODE OF GENERAL ORDINANCES OF THE CITY OF PHILADELPHIA <hr/> TITLE 14 — Zoning Code TITLE 4 – Building Construction and Occupancy Code
SUBJECT OF BULLETIN: WIRELESS SERVICE FACILITIES AND ANTENNAS		REFERENCE CODE SECTION(S): PA Act 191 of 2012 PA Uniform Construction Code
ISSUED BY		
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ISSUE

PA Act 191 of 2012, the Wireless Broadband Collocation Act (Act 191), became effective on December 24, 2012. This Act established that the modification, replacement or collocation of wireless telecommunications equipment on previously approved wireless service facilities may be done without obtaining zoning permits and, in some cases, building permits, from a municipality.

Additionally, The PA Uniform Construction Code (UCC) regulations exempt related equipment from building permit requirements.

This Code Bulletin seeks to summarize Act 191 and the UCC to provide direction to staff and customers on permit requirements for these facilities.

BACKGROUND

Historically, the Department has not required building permits for private antennas on masts as high as 12 feet and dish antennas as wide as 6 feet. The Department maintains a Code Bulletin (B-0401) which establishes that private antennas for television or radio reception 12 feet or less in height and dish antennas two feet or less in diameter do not require Building Permits.

PA UCC regulations state that, “A permit is not required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment under the ownership or control of public service agencies.” Pennsylvania’s Department of Labor and Industry considers radio, television, internet and cellular communications as public services. They have not required building permits for these installations, but believe that the installations must still comply with the technical provisions of the UCC. These installations are exempt from permits but not considered exclusions under the UCC.

Building Code Official training developed by the PA Construction Codes Academy and reviewed by legal counsel from the State advises that cellular communications equipment is exempt from building permit requirements per Section 403.42(e) of the UCC regulations, though installations must still be in compliance with the technical requirements of the UCC.

DIRECTION:

PA Act 191 applies only to the **replacement, collocation or modification** of existing facilities, equipment or structures and establishes the limitations on municipal code enforcement regarding such replacement, collocation and modification of “wireless telecommunications facilities.”

The Act defines “wireless telecommunications facilities” as follows:

The set of equipment and network components, including antennas, transmitters, receivers, base stations, cabling and accessory equipment, used to provide wireless data and telecommunications services. The term shall not include the wireless support structure.

This Code Bulletin summarizes the impact of Act 191 and the UCC regarding permits and code review and establishes Philadelphia’s permit processing requirements where authorized by Act 191 and the UCC.

New Wireless Service Facilities

The use subcategory of “Wireless Service Facilities” is defined in the Philadelphia Zoning Code as follows:

Towers, antennas, equipment, equipment buildings, and other facilities used in the provision of wireless communication services.

The Zoning Code recognizes these facilities can be located on existing buildings.

Wireless service facilities, and their supporting structures, **not previously approved**, are not subject to Act 191 and therefore will require zoning permits prior to their construction. Review of those applications will confirm compliance with the Philadelphia Zoning Code.

The UCC exempts the equipment related to wireless transmission from permit requirements, but it does not exempt the support structures. Therefore a building permit will only be required for the structure being built to support new wireless service facilities (i.e. towers, buildings, and other support structures).

Replacement

Replacement of wireless telecommunications facilities (as defined in the Act) on existing wireless support structures or within existing equipment compounds may be performed **without obtaining building or zoning permits**. If presented with a permit application for replacement the Department may only review for compliance with the UCC, but may not issue a building permit.

Given the limitations imposed by Act 191 and the UCC regulations, the Department will no longer process zoning or building permit applications for replacement of equipment and components at a previously permitted wireless facility. The owner is responsible for ensuring compliance with the PA UCC.

Collocation

Collocation is considered the placement or installation of new wireless telecommunications facilities (as defined in the Act) on previously approved and constructed wireless support structures, including self-supporting or guyed monopoles and towers, electrical transmission towers, water towers or any other structure (including buildings) previously approved to support the placement or installation of wireless telecommunications facilities. The term includes the placement or modification of accessory equipment within a previously approved facility.

Collocation of wireless telecommunications facilities on existing wireless support structures or within existing equipment compounds may be performed without obtaining zoning approval.

Based upon Act 191, the Department will no longer process zoning permit applications for collocation of new equipment and components at a previously permitted wireless facility. A use registration permit is not required for the collocation of facilities by an additional service provider where the use of a wireless service has been previously approved.

Based upon the UCC, building permits are not required for collocation of new equipment and components. All collocations are required to comply with the technical requirements of the UCC, even though a building permit is not required.

Modification

The improvement, upgrade or expansion of existing wireless telecommunications facilities or base stations on an existing wireless support structure or within an existing facility is considered a “modification” by Act 191.

If the modification does not increase the height of the wireless support structure, by more than 10%, or by the height of one additional antenna array (with separation from the nearest existing antenna not to exceed 20 feet) whichever is greater, the modification is not considered substantial modification, and zoning approval is not required.

The Department will no longer process zoning permit applications for modifications of facilities at a previously permitted wireless facility unless the applicant proposes to increase the height of the support structure or the footprint of the facility.

When reviewing zoning permit applications which propose to increase the height of a wireless support structure, the Act allows increases of more than 10% or one additional antenna array if the applicant submits documentation that the height increase is necessary to avoid interference with existing antennas. Proposed increases in the footprint of the wireless facility require zoning approval.

Building permits are required for any modifications of the support structure only. All modifications are required to comply with the technical requirements of the UCC, even though a building permit may not be required.

General Notes

While Act 191 limits zoning permit and review requirements, any proposed collocation, modification or replacement must continue to comply with applicable conditions or provisos applied to the initial wireless telecommunications facilities, equipment compound and wireless support structure approval.

Additionally, any proposed collocation, modification or replacement may not exceed the applicable wind loading and structural loading requirements for the wireless support structure.

Electrical permits for any wireless telecommunication facility are required except:

1. Where low voltage wiring is being installed in a structure considered a U (Utility) Building Code Occupancy Classification, such as a tower, per Section A-301.2.3 of the Administrative Code; or
2. When the work is limited to replacement of existing wireless telecommunications facilities on existing wireless support structures or within existing equipment compounds.

Electrical work that does not require a permit must still be performed by a Philadelphia licensed Electrical Contractor and must comply with the technical provisions of the UCC.

As set forth in PA Act 191, an application shall be deemed complete when all documents, information and fees specifically set forth by the Department's regulations, ordinances and forms pertaining to the location, modification or operation of wireless telecommunications facilities are submitted by the applicant. The Department shall notify an applicant within 30 days in the event that any additional information/items are required to complete the application as necessary. Once an applicant submits a complete application for a collocation/modification under the Act, the Department shall have 90 days to review and process such application. If the Department should fail to act upon an application within this 90-day time period, the application shall be ***deemed approved***.